

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

PAUL CLARENCE BAILEY,  
Plaintiff,

v.

~~COLLIN COUNTY, TEXAS~~)  
~~CITY OF FRISCO~~)  
~~CITY OF FRISCO POLICE DEPARTMENT~~)  
~~DALLAS, TEXAS~~)  
~~DALLAS COUNTY JAIL~~)  
~~FRISCO POLICE CHIEF TODD RENSHAW~~)  
~~FRISCO POLICE OFFICER SCOTT GREER~~)  
~~FRISCO POLICE SERGEANT BRIAN SARTAIN~~)  
TEXAS DEPARTMENT OF CRIMINAL JUSTICE)  
JPAY.COM  
Defendants.

Case No. 4:13cv518

Judge Clark

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Severed  
from

4:13cv 502

COMPLAINT

Now, comes Plaintiff Paul Clarence Bailey, having suffered extensively at the hands of the Defendants, files suit for violations of the Civil Rights Act of 1964 section 1983 and Civil Rights Act of 1871.

**Due to repeated cruel and unusual punishments, and repeated relocations that interrupt cognate and constant communications with friends and family members to assist in perfecting submission(s) to the court, and deliberate interruptions and/or improperly administered, required medication(s) and/or supplementations that are life sustaining!**

The Plaintiff/Defendants, has via the aforementioned civil rights violations, threatened the life of this Plaintiff/Defendant upon numerous occasions and such as are documented facts within this motion validated by the advert of several emergency transports to hospital(s) neccasitated to stabilize Plaintiff/Defendants life threatening vital statistics due to "withheld without cause" needed medication/supplementation.

Included with this motion is Plaintiff's affidavit of fact. See Attachment 1.

Certain substantiating documents and/or medical reports are not submitted only due to T.D.C.J.'s refusal to supply them to this inmate contrary to multiple requests and Texas and Federal Law mandates! Said copies are readily available, however this Plaintiff pleads that to obtain such will require a court order as all of the exhaustive efforts by this Plaintiff have not

**been responded to in any manner!**

**In addition, there have been numerous interruptions of both telecommunication and U.S. postal correspondences between myself and Mrs. Michaelis that has facilitated innumerable last minute, rushed correspondences to insure proper and/or timely filing(s) related to both Plaintiff/Defendants pro se' criminal and civil cases.**

**I plead the Court's Indulgence as I have been deprived of medication for over 4 weeks now regardless of filing Grievances and trying to get help inside the prison.**

Thus Done and Signed on the 19 day of Sept 2013,

RESPECTFULLY SUBMITTED:  
PAUL CLARENCE BAILEY, Pro Se

By: 

**PAUL CLARENCE BAILEY, Pro Se**

**#01833504**

**998 County Road AA**

**Plainview, TX 79072**

James Lynaugh Unit  
1098 South Highway 2037  
Ft Stockton TX 79735

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE FOREGOING WAS SERVED BY U.S. MAIL ON THE DALLAS COUNTY DISTRICT ATTORNEY'S OFFICE, 133 NORTH RIVERFRONT BOULEVARD, LB 19, DALLAS, TEXAS, 75207, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013

By:

**PAUL CLARENCE BAILEY, Pro Se**

D. in 12-1  
Document 1-1 Filed 09/06/13 Page 1 of 1

I was brought to the Montford facility of T.D.C.J. on Friday July 12, 2013 at approx. 7 P.M. after having my third disagreement with the medical staff concerning their continual attempts to manipulate my medication, in particular my weekly injections of testosterone, at Formby.

The problem has in fact now accumulated to the fifth such disagreement and/or verbal and written altercation, beginning with my arrival at the Middleton Unit, and the latest such attempt by the medical staff at the Formby Unit. It was the Formby Unit's medical staff that facilitate my transfer to the Montford Unit, and orchestrated an unqualified request.

I have decided to document the series of events for both legal purposes, and my readers in a combination "Post" on Facebook and to prepare a document with the appropriate authorities of responsibility, within T.D.C.J., of the pertinent events accurately. Therefore I now make the following statement for the official record as a precursor to any legal action I may take in the immediate future, to provide clarity as to the events that have led up to what can only be described as retribution upon myself by the staff at T.D.C.J., because of my repeated attempts to insure that my medical requirements, ~~as well as~~ provided by competent and qualified medical doctors/specialist while I have been incarcerated at the direction of the Endocrinology Dept. at Parkland Hospital, Dallas, for the State of TEXAS (author and recognized provider by the State, highly accredited).

I shall attempt to provide TDCJ with a copy of this statement to my assigned physician/psychiatrist Dr. McDonald, to insure fairness in my attempt to follow the assigned method of protocol as my "Grievances" have not been responded to in a timely manner as prescribed in the "Offenders Handbook".

Also, it is my intention to perpetuate my own "Grievance" into a much needed Class Action Lawsuit, in order to provide relief to the numerous pris within T.D.C.J., in but not limited to the units at Middleton, Formby and now to include the Montford Unit, because of their not having moved me to the "Medical" part of the Montford Unit from the psychiatric section <sup>even after being sent here under false pretenses and a proper evaluation pertaining to my psychiatric condition in accordance to my threatening physical harm to another offender" and/or staff member or being made attempted to harm myself,</sup>

Therefore, it is the aforementioned paragraph that defines the premise for my filing for a legal remedy, on behalf of myself and whomever may be deemed an appropriated harmed plaintiff.

furthermore, although this legal remedy may name Dr. McDonald as my responsible evaluating Psychiatrist, he is not deemed to have been a party to the obvious retaliation on myself or others having attempted to cause me grave harm to my physical well being and/or cause of cruel and unusual punishment, <sup>as per</sup> is Melvin Sandal of the Formby Unit. Dr. McDonald being at the Facility at Montford. Neither Sandal or McDonald are and/or will be defendants in this legal proceeding.

Set forth are the particulars as the events that "accentuate" this claim of cruel and unusual punishment, retaliation by members of T.D.C.J. Staff and violation of my civil rights to proper medical care as provided by both the U.S. Constitution and State of TEXAS Constitution and/or Bill of Rights. No claim is made at this time pertaining to the particulars that may more properly define the violations of law and/or infringements made on my personal ~~rights~~, be they Civil ~~or~~ or Criminal! A proper discovery and/or testosterone w.ill be required to ascertain the depth of contribution and/or violation by the particular staff, officials and/or medical providers will ultimately be resolved via proper legal venue. 1

It is necessary to first preface the vital importance to my needs (having been substantiated by numerous endocrinologists and internists), testost injections as an ongoing medical treatment, as prescribed after proper medical and laboratory procedures, for the rest of my life. My condition is "testicular atrophy" caused by an inguinal hernia strangulation. My testosterone production for all intent and purposes is nil! There are numerous medical evaluations that document this fact. "Testicular atrophy" means essentially that my body no longer produces <sup>natural</sup> testosterone on its own, a vital hormone that perpetuates further proper hormonal functions required by many other hormonal organs <sup>functioning properly</sup> in "harmony" to insure an overall healthy body. The improper amount, and/or the interruption of the proper medically induced dosage via injections facilitate a substantial loss of proper bodily functions, including both <sup>physical</sup> stamina and <sup>mental</sup> alertness as well as possible death.

The aforementioned within itself should alert the medical staff at TDCJ that my prognosis is one that requires due diligence in maintaining what QUALIFIED medical specialist have already diagnosed and prescribed. Certainly no LVN, RN and/or PA is qualified to ascertain the level and/or treatment consistency required. Yet T.D.C.J.'s medical staff of only LVN, RN and/or PA has attempted and actually accomplished altering my prescribed dosage multiple times!

A certain notation must be made that "testicular atrophy" is not reversible, and can only be treated by supplementation/injections for the remainder of my life!

T.D.C.J.'s medical staff has altered, discontinued and attempted to fool me with a injection that was a hoax (being an empty and very minimal amount syringe used in an injection). - The original prescription dosage of 1 cc of 200mg/ml testosterone cypionate per week was first changed to 4 cc 100mg/ml injection per month, 100mg/ml injection weekly, then interrupted at various times not yet specified, is in fact, one half ( $\frac{1}{2}$ ) the amount prescribed by Parkland Hospital!

The repeated attempts by TDCJ's medical staff to reevaluate my prognosis improperly with "lab tests" prompted a life and was solicited alteration upon myself by Officer Ginkinker at the Formby Unit and has since perpetrated numerous retaliation acts upon myself that violates multiple Civil Rights and are the subject of numerous "grievances" filed by myself. Grievances that shall require

Offices involved in the forthcoming legal action to be filed by the prisoner in the future. No final declaration as the length and/or nature of the aforementioned Civil or Criminal Violation perpetrated on myself, Paul Clarence Bailey TDCJ #01833504, nor are they limited to Improper Medical Care, retaliation and/or cruel and unusual punishment, are yet determined.

I, Paul Clarence Bailey, TDCJ #01833504, move to end of statement & the accuracy and truthfulness of this statement.) A Malice Intent, The premise of my action will be "Malice Intent" and carries no protection under "Official Immunity".

Furthermore, it is the position of this Plaintiff that their actions are deliberate by the State of Texas to cause and/or facilitate my ability to harm myself by purposely causing loss of physical and mental cleanness and/or stamina facil, a further gross injustice upon myself to cover up multiple maltreatment and perpetuates any and/or all

acts of Malicious prosecution!

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Parag.

It is important that I emphasize that my being sent here & on now is not at all an act of malice, as since arriving I have been told by other prisoners and staff that it is often done to prisoners as a means of retaliation and/or punishment. One must conclude however that it is done only as a recourse when no other viable option remains within the confines of proper T.D.C.J. guidelines. In other words, it is a course of action taken to punish someone that has successfully lodged a legitimate complaint that does not allow for disciplinary actions taken against the prisoner, as the staff has no other way in order to vent their frustration and/or anger being properly admonished for violating a prison rights!

When a prisoner does not respond in an aggressive manner to loud vulgar language, a staff member getting directly in the face of a prisoner threatening him/her physical harm and/or being segregated in lock-up, they commonly use a trip to Mental Health Psychiatric facility as a means to extract pleasure/justice for their frustration of not being able to provoke a prisoner into an actual physical altercation. Altercation that no prisoner can possibly win as they are pepper sprayed, clubbed and/or physically slammed to the concrete floor (mostly after being handcuffed) by multiple officers, if not at least also put in solitary confinement or have their privileges revoked, such as commissary, recreation and/or telephone.

When sent to the psychiatric facility a prisoner automatically loses all privileges, regardless of if and until I am transferred, it is now entering 7 days since arrival and I have no

(3)

to me yet) so commissary is imperative to my health as a food source. As a pre-se defendant being able to communicate concerning my day to day legal responsibilities is absolutely necessary.

This obvious retaliation, I reiterate, is a gross violation of my civil rights. I have requested daily as do my transp to "the Ward" and/or Medical section where I can have access to all of the above, but have yet not been accomadated and fear the retaliation goes on in spite of Dr Armstrong's attempts to remedy the situation. I am confident that though I staff here (Montford) may attempt to remedy the situation they may not be able to, leaving me to return to Formby's wrath! Thus accomplishing the intended retaliation!

~~ENTER A~~ → Here - And then collect a signature page declaration after an inmate putting up very little and offering nothing & the 4 and F B